

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

WILLIAM H. STEINBRINK, M.D. and
PATRICIA M. STEINBRINK, his wife,

and

BAYSIDE OBSTETRICS GYNECOLOGY
INFERTILITY, INC. 401(K) PROFIT
SHARING PLAN,

Plaintiffs,

v.

ROTHSTEIN, KASS & COMPANY, P.C.,
B. HAUPTMAN & ASSOCIATES, LLC, and
BRUCE A. HAUPTMAN,

Defendants.

CIVIL ACTION NO. 01-382 ERIE

ORDER

AND NOW this ____ day of _____, 2006 it is hereby ORDERED upon consideration of the Motion to Dismiss of Defendants B. Hauptman & Associates, LLC and Bruce A. Hauptman and Memorandum of Law in Support thereof, that all counts against B. Hauptman & Associates, LLC and Bruce A. Hauptman are dismissed for improper venue and for failure to join an indispensable party. In addition, Count I is dismissed as to Bruce A. Hauptman and Counts II and III are dismissed as to Bruce A. Hauptman and B. Hauptman & Associates, LLC for failure to state a claim, and Count III is dismissed as to Bruce A. Hauptman and B. Hauptman & Associates, LLC for failure to plead fraud with particularity.

Maurice B. Cohill, Jr.